An interview with Judge James Keith

of Fairfax, Virginia.

Interviewed by Karen Coleman, on March 11, 1974.

This is an interview with Judge James Keith of the 19th circuit court of Virginia and it is being conducted on March 11, 1974 in Judge Keith's chambers in the Fairfax County Courthouse. The interviewer is Karen Coleman, representing the Virginia Room of the Fairfax County Public Library.

Karen Coleman: Before we start talking about Fairfax County and Northern Virginia, could you tell me a little bit about yourself? Where you were born and when?

Judge James Keith: I was born in Warrenton, which is 30 miles west of here, in 1911.

Coleman: What about your mother's and father's names?

Keith: They came from Warrenton, my father's was John Keith.

Coleman: Could you tell us a little bit about your boyhood, what it was like growing up in Warrenton at that time?

Keith: Well, it was just a small country town, about 1200 people, and everybody knew everybody else. I don't remember there being anything particular about it.

Coleman: What was the community like - what were the characteristics of the town?

Keith: I really don't know that I can say any particular characteristics. It was a place where a lot of people came in the summer time and in the winter time there wasn't much going on.

Coleman: Do you remember much about World War I- how it affected the community? Or how it affected your family.

Keith: Oh, I remember a little about sugar rationing. There were a lot of patriotic songs sung there in front of the courthouse and I remember all the bells ringing when the war was over, November 11th. I remember lots of men who were training at Fort Myer and who used to come home week-ends. Other than that I don't remember a whole lot about it. It didn't affect our lives terribly.

Coleman: What about the flu epidemic of 1918, did that hit Warrenton very hard?

Keith: I suppose it did, I remember Mother had the flu. She made her will and got everything all ready to die. We all wore funny little masks over our faces. I never knew what that did. Mine was always black from breathing through my mouth.

Coleman: What about the depression, how did that affect your family and your community?

Keith: Well, we were poor anyway, so in the depression we were better off that most people, because we were no poorer than we had always been and every-one else was poorer than we were. I remember the depression as not being too bad, as far as our family personally was concerned; but I do remember it being a bad time.

Coleman: What about your father, was he a judge or a law official?

Keith: A lawyer in Warrenton. He died when I was three.

Coleman: What about your grandparents, I believe your grandfather was a judge, wasn't he?

Keith: That was a great-uncle, Uncle Jim, whose name I have, was a judge. He was a judge in this circuit, which included Warrenton in those days, it went all the way up to Rappahannock and Loudoun. He was a judge in that circuit and after the readjustors were defeated in - oh around 1890 - he was a judge of the court of appeals. My grandfather, Mother's father, was a lawyer in Warrenton. Daddy's father was a farmer.

Coleman: What was the circuit court like in those days?

Keith: Judge Sinclair's father has told me about Uncle Jim coming through Prince William. He would ride down from Warrenton, and he'd be tired from the ride and he'd be in the Inn there in Brentsville, where the court was then before it was moved to Manassas, and Uncle Jim would lie up there in bed and sign decrees and orders and hear people - something that they couldn't wait for him to rest up and get to court. Anything that had to be taken care of right away, he would hear them in his bedroom in the hotel in Brentsville. Mr. Moore, Walton Moore and his father, were lawyers here in Fairfax then. Walton Moore was a young man just out of law school, and he came and everything was very far behind, the docket and the trial of the cases and so forth. Mr. Moore, the senior Mr. Moore, wasn't as active as Uncle Jim thought he should be so he got after Mr. Walton Moore, his son, and he said in a very short time the docket was all cleared up and the evidence of the young blood was very obvious! I really don't know anything about it - I know they did ride the circuit and one judge covered a lot of ground, about six counties.

Coleman: They were busy in those days, weren't they?

Keith: Well, there wasn't so much litigation, really. Warrenton had a very strong bar, a lot of able lawyers in Warrenton. Mr. Eppa Hutton was there- he went on to go to Richmond, he had the biggest firm in the state. Grandfather was there - he became Attorney General of the state. I don't know,

but there were a lot of good lawyers in Warrenton, around 1900, 1890.

Coleman: Did you decide to be a lawyer because it was sort of a tradition in your family?

Keith: I never thought of being anything else. I don't know that I ever decided.

Coleman: What was it like to come to Fairfax in those early years? Starting a small practice in a small town?

Keith: I went into the firm that Mr. Moore had started here that my Uncle Tom had been in. It was Moore and Keith, and then they wanted my father to come down here and he decided not to leave Warrenton so they went to Culpeper and got Mr. John S. Barbour who was an outstanding lawyer in Culpeper to come here, and then it became Moore, Barbour and Keith and then Mr. Sheild McCandlish came here and it became Moore, Barbour, Keith and McCandlish. And I think that's the way it was when I came here. Mr. McCandlish had just died and Uncle Tom was ill so Mr. Barbour was active, Mr. Moore had just left the firm to go to the State Department and become Assistant Secretary of State. Another man was in the firm although his name wasn't in the firm, Charles Pickett, and I think there were 14 lawyers in town then and not all of them were very active, but it was a strong bar, there were good lawyers here. There was John Rust, Mr. Wilson Farr, Fred Richardson - they were all good lawyers. Lawyers came here from Alexandria and Arlington a great deal as they do today, but it was smaller then and you were more conscious of where people were from. It was a nice practice, it was a country town then. When you called somebody up on the telephone, you knew who the operator was and you'd say "Mrs. Carr, give me the house will you?" or if you were at the house, you'd say "Mrs. Carr, give me the

office," or you'd say "Give me the McCandlish's or give me the Moore's. You never had a number. Everybody knew who everyone else was and we went to the Episcopal Church here. It was small, had about 40 people in it on Sunday. Same thing with the Methodist Church and the Baptist Church was even smaller. Baptist Church met in a little building that's now behind the town hall. Town hall was active then - had dances at least once a month and sometimes oftener. The garden club was a great social organization for the ladies.

Coleman: What about Washington, D.C., what sort of relationship did Fairfax have to Washington at this time?

Keith: We had one - really two good roads, you could go in over the Chain Bridge, right through Vienna and Langley or you could go in through Falls Church - I think the Alexandria road was all paved then so you really had three paved roads going into Washington. I remember when I was a boy in Warrenton, coming to Washington, took anywhere from half a day to a day in an automobile. If you made it in four hours, you bragged on it! There were lots of dirt roads - once you got to Fairfax, the roads were paved. Then as I grew older the road was paved from Middleburg to Fairfax and Warrenton had a paved road from Warrenton to Middleburg so you could drive around that way on a paved road all the way. When I came to Fairfax the electric car was off - had been abandoned, but they had a little sort of a bus that ran on the rail, and we went - that was a good way to get to and from Washington. Took about 1-1/4 to 1-1/2 hours, but it ran fairly regularly. Went from here to Vienna and then through the country to Falls Church and on into Washington. Not everybody had automobiles by a long shot. I was here two or three years before I had a car. We would bum rides. Everyone would sort of gather around in the

afternoon and see who was going to Washington and get a ride if you wanted to go in that night. We'd come home on the Greyhound bus, if you wanted to come home that night. Come out the next morning on the Greyhound bus.

Coleman: Did you have very much business in Washington or did most of your business center here in Fairfax?

Keith: All centered here, nobody had any business in Washington. And there was not a whole lot of commuting. Of course, there always had been some commuting. People went in on the car in the morning and came back in the afternoon, but it wasn't anything like it is today.

Coleman: What about World War II, do you have any recollections of Fairfax at that time?

Keith: Yes, I'd been here about five years when World War II came. Fairfax still hadn't begun to grow. Fairfax was really hit hard by the depression because the money that had been lent on real estate had just been frozen, and every Saturday morning out here in front of the courthouse, people's property was being sold. Two and three and four and five and six sales every week, of people who hadn't been able to pay the mortgages on their property. This was beginning to ease off in the late 30's because we were beginning to feel the effects of all the programs that Roosevelt had to pump money back into the economy, but the real change came when we began to supply the Europeans with things they needed to get ready for war. One interesting thing is that the tracks on the car lines that went from here to Washington were sold, and I've always heard that they were bought by the Japanese and used to make guns and arms. But things were much better in the late 30's and I think people were beginning to be fully recovered from the depression,

and of course Washington being near - people never had been really broke in Washington because they had government jobs and Fairfax had benefited from that fact. There have always been a number of people here who work for the government. Of course anyone who worked for the government during the depression here was like a millionaire. They had their $250 a month, or $150 a month, or whatever they were making coming in regularly and so that was a constant source of income. There had been no great population influx, nothing like that. Fairfax was still around 40,000 people I think in 1940, which is what it was in 1930 and probably what it was in 1948. It really didn't begin to break at the seams until two or three years after the war.

Coleman: You talked about Roosevelt - how did you feel about the New Deal?

Keith: Oh, we were all enthusiastic Roosevelt supporters! The Young Democrats was a strong organization when I came to Fairfax. It met regularly and often! We were always running a candidate, because everyone was interested in politics. That's one thing about Fairfax, it's always been a very political place. People have taken an active interest in politics and it's caused some friction among families in town from time to time. But, people were always interested in everything. One of the big issues when I came here was whether or not the town should have a water supply. So many people had their own wells that they didn't want to have a town water supply, so they had a referendum on that, and that was bitterly fought and people's best friends would shake umbrellas at one another as they passed on the street. The referendum was defeated, and the following summer they had the worst drought here - about 1933, 32 we had just a terrible drought, and that sewed it up! We put it up for a vote again and they

voted to have a water supply and they drilled a well - right up here opposite the Red Cross there's a little hill here in the town of Fairfax and that's where the water tower was and everybody who had been against the vote said what a horrible sight it was and we looked just like any little common town on the railroad track with a water tower, and they just thought it was awful. And then the next thing was the sewer. Well, of course, one of the things that Roosevelt did to pump money into the economy was to get all the little towns in the world to build sewage systems under the PWA, and so they came around and Fairfax adopted a referendum to sell bonds, but most of the money came from the federal government. When I came here the streets were all torn up and the sewer line was being laid. And it was a terrible thing because the town's on a hill and to get the lines deep enough so that the sewer could flow by gravity some of the trenches - well the trench out here in front of the courthouse was something like 26 feet deep. It was quite an undertaking to get the sewer line in. Dick Farr was the mayor then and he was always running up and down the street seeing how things were going and keeping everybody's interest up in it.

Coleman: What about rationing during the war? Did that hit Fairfax very hard?

Keith: We were relieved when rationing came! We had a few lines at the filling stations. Gas was not one of the things that was bad, but just let there be a rumor that sugar was scarce or coffee was scarce or something was scarce and you would go to the store to get it and there wouldn't be any because everybody had been picking it up and buying everything that was there! We didn't have all the stores we have now. We had a Safeway

down near where Til Hazel's office is, and Paul Kincheloe had a grocery story across the street where Frank Swart has his office now - a brick building across the street. I think those were the only two stores. Maybe Miss Shamron had a little grocery store around the corner, but I'm not sure just when that came. But those were the stores that people went to, and it didn't take much to get all the cofffee off the shelf, and so when rationing came we were delighted because then you could get - the things were there and nobody needed more than they had ration stamps for. And gas was rationed. I was in the Army then and had to drive to the Pentagon every day so they gave us extra gas, but we all had to carpool. Always be four or five in the carpool. The gas rationing wasn't any problem. There were a lot of people who took it seriously, I mean you did not use your car for pleasure. When you wanted to go play golf, you walked! I remember Mr. Rust and Fred Richardson wanted to play golf out here at what's now the Army-Navy. Fairfax course was then a public course and they walked through the Willard place to (what's now Layton Hall) - they walked through there as a short-cut and they were grazing out there - there were some cattle and they had a bull in there and the bull got after them and chased them - these two old men - I thought they were old men, they were in their sixties and chased them across that field and over the fence. But people didn't drive for pleasure and they tried to combine pleasure and business. When you wanted to have dinner in Washington, you always had some business reason to go there, and you could use your car in your business. My wife was pregnant and she could go to the obstetrician, so she would go to see him and I'd meet her in Washington from the Pentagon, take a bus over, and we'd go out at night and feel that we hadn't cheated.

Coleman: Were the roads any better by then?

Keith: We had good roads then. The big road in then was Arlington Boulevard, route 50. That had been made four lanes and that was a good road all the way into Washington. That's the way everybody went in in those days. No lights - nothing was built on it between here and Falls Church and it was pretty good from Falls Church on in. There was a bad corner there at the intersection of Glebe Road. That was then a red light and not an underpass, and that was slow. It took you two or three lights to get through there in the afternoon's traffic, and the morning's traffic. But it was a 30 minute drive into town.

Coleman: In the fifties Fairfax County changed to a County Executive form of government. Do you remember that?

Keith: I remember it well! It was very interesting campaign. Mr. David Lawrence, who lived at Centreville, died just the other day. He was the chairman of a commission to look into the study of the various forms of County government. We felt we needed a new form of government - that the old Supervisor system was no longer adequate to meet all the demands of an urban county. We had two alternatives, one was the county executive form and one was the county manager form. Arlington used a variation of the county manager form, but we didn't like that because you elected supervisors at large, instead of by district and that was substantially the only difference. Although the manager had more power than the executive. The executive form of government still left the bulk of the power in the board of supervisors with an executive to carry out their mandate. Mr. Lawrence's committee came up with a recommendation that we adopt the county executive form, it was put to a referendum and passed, and it was

a pretty good majority and that went into effect about 1952, I don't remember, but anyway Carlton Massey came here then. He was the first County Executive. I think it was a great success.

Coleman: We were talking about the reason for changing the form of government, because of the urbanization of the County.

Keith: We had begun to grow about two or three years after the war. See, during the war there was absolutely no building, no lumber, no steel, no anything. After the war, it really went crazy! The government had built a sewer line in the County just about 1940 to serve some government installation. The sewer line ran down Holmes Run to Alexandria. The government built it and gave it to the County. Well, that sewer line is what - all the early development in the County was along that sewer line. If you look at it, you go down Holmes Run, starting in Falls Church at Greenway Downs or one of those places in there. But all of the subdivisions in the County bloomed along that sewer line. Branches went out from there. And then Fairfax had a sewer system and anything that could get into that was built. Then the counties together built other sewage treatment plants. We went in with Alexandria. Anyway the big business was sewers and subdivisions. And it was a real explosion. The old form of County government - well there were just too many problems that cities have and counties didn't have. Rural counties where farmers came to town on Saturdays and did all their business and the Board of Supervisors met once a month was fine for Fauquier and Rappahannock, but it didn't work here. They just couldn't take care of the zoning problems, sewer problems and so forth.

Coleman: What about the May 17, 1954 Supreme Court decision on segregation? Did that affect Fairfax County very strongly? How did the people feel about it around here?

Keith: It was a funny thing. I want to get it straight. The original reaction was - we're going to live with it - it's inevitable, and we'll somehow get along with it. This is where a lot of people differ. I just happen to be one that thinks that - I learned to think it, I don't know that I thought it right then particularly, but that massive resistance was wrong, and Virginia's policy on education and schools was wrong. But the Governor came out and said very conciliatory things - he was a furniture maker from southwest Virginia - I forget his name, and by golly old Senator Byrd came out, after all of these beginnings were very favorable to somehow compromise, learning to live with the Supreme Court's decision. Byrd came out with his plan for massive resistance and all hell broke loose! He was a terribly strong man and terribly strong politically and had a <u>big</u> following in the state and that's all it took. From then on every step of the way was fight, fight, fight! Sue, sue sue! And it was a long time before we were integrated.

Coleman: Do you remember any incidents that occurred?

Keith: Fairfax never had any problems. We have a small black population. It never was big, and it's been more recently, in places like Woodson and in the big high schools than any place else.

Coleman: So there weren't any black activists in the area in the fifties? In Fairfax County that you can remember?

Keith: I don't remember any trouble, we integrated so easily you wouldn't

have known it. Just a lot of people who were real segregationists, who went to Virginia Christian School. We had a bad time with the $50 a month or $250 a year whatever it was. A lot of people took that and sent their children to private schools then. Private schools flourished. Flint Hill is a holdover from then. That's how it started. The Fairfax Christian School. But, anyway, there are still a lot of little schools left around, most of them are folding, but there are a lot left around. Came into being with that $250 tuition.

Coleman: That brings us to contemporary matters. You were elected to the Board of Supervisors. What were the issues you supported while a member of the Board? Some of the main issues?

Keith: The reason I got on the Board was I felt I'd lived here a long time and I knew more about the County and I was more concerned about the growth of the County and seeing orderly growth. The main thing we were interested in was to have a master plan and somehow try to live with it, and not just make one and then bust it - the pressures are so that that's what it amounts to. We got the best people we could, we got Pomeroy who wrote the book on planning and growing to come in and plan for us and write a new zoning ordinance. It was a very exciting Board of Supervisors. Everyone of them had defeated someone else almost who had been on the Board for 30 years. Claiborne Leigh defeated Wallace Carper, and you could just go right down the line and they were all - throw out the old ones and you know they were the new ones that had come in. It was an interesting group. Had General Ovenshine on it, retired Army general, Joe Freehill was a lawyer, gone to Harvard Law School with me. Moss, Claiborne Leigh was a lawyer. He beat Wallace Carper. Anyway, they were young, smart people, and it was a very interesting time. The issue was planning and growth, schools.

Coleman: You said you overthrew the old board - did you have very strong opposition to your new plan?

Keith: Oh sure, sure. I mean this is always the way. A man who owns 150 acres or 500 acres whose father owned it before him thinks I ought to be able to use this land any way I want to, it's mine. There was a book I just read this morning up there about it. Everyone always wants to be the last one. I want it to be the way it was when I moved there, I don't want any changes down here, you know. This is instinctive, this is human nature. The guy with the land wants to get the most out of it he can and the man who's moved in, you and me and people who have come in, newcomers, want it just the way it is. Don't want any changes. Don't want a highrise near me, don't want to live near a playground. Don't want a boy's home, don't want a halfway house, and this is evolution. This has been going on I suppose since caveman days. I don't know if that's answering your question or not.

Coleman: Yes - what about issues that you yourself proposed? What sort of things came up that you took a stand against, some of the major ones?

Keith: This was the main thing, zoning and planning.

Coleman: Were there any outstanding incidents that occurred here in Fairfax when you were on the Board?

Keith: No, you'd have to ask me about something - I just can't pick it out of the air.

Coleman: In 1962 Fairfax City became independent, how did you feel about this at the time? Were you for or against it?

Keith: We were all against it! That was another thing, we'd had a group

come in from Chicago and give us a study on County government and so forth. The main thing that they had seen happening all over the country was fragmentation - that was the nasty word, and these urban areas were fragmented to the point that they couldn't govern themselves. They had so many different governments next door to one another that there couldn't be any unified plan for the whole. Dade County, Florida was a living example of something like 35 different governing bodies in an area of 400 sq. miles or something like that. So they came to look at Fairfax and Fairfax was almost unbelievable! We had 400 sq. miles with one government in it, the County government, and at that point Fairfax was threatening to become a city, Falls Church had become a city; different groups around the County were threatening to incorporate and become cities and we wanted to get some legislation that would prevent it, and we wanted to get some plans going that would keep it the way it was and prevent fragmentation. So we didn't want Fairfax to become a city and become an island in the middle of the County, and we had a very elaborate plan worked out under our little known section of the code where the County and the town of Clifton could join together and become a city. And once we became a city then there couldn't be any other cities in this area. And we almost did it. We thought we had Judge Brown convinced that this was the best thing. His sister, or brother-in-law, were on the town council in Clifton and we just thought this was it! And we had imported some hard lawyers to represent the County and we had the plan all worked out and we were really excited about it! Fairfax County would have become a city which would have been <u>good</u> and then we wouldn't have fought all these... Cities have a whole lot more administrative powers and so forth than a county does, even a county with an urban form of government. So there would have been a lot of advantages

to being a city. But Judge Brown decided against it. He picked up some little flaw in it that we thought he need not have done. So anyway the plan went down the drain. That was an exciting six weeks when we thought we were going to do it, and then Fairfax really got scared that we would come up with something else, Fairfax City that is. They were scared of the County and with the restrictions on zoning and so forth they belonged to the group that thought you ought to be able to do what you want to. So we lost, and Fairfax became a city.

Coleman: Can you give us some of the real reasons behind Fairfax City's move to do this? Why did they want to become independent so badly?

Keith: You look at it now and it makes a lot of sense. If you don't like the way the County's going, you got a much smaller organization, it's much more responsive. There are a lot of reasons for Fairfax being a city and not being the tail of the dog, and having Fairfax County wagging you all over the place. I can see a lot of reasons for Fairfax being a city, and I think there are a lot of good reasons. Spend your money the way you want to. I think we're benefiting in a lot of ways by Fairfax being a city. Taxes are lower, probably will stay lower. Get snow removed better than you do in the County. I can't think of other things, but there are advantages.

Coleman: Now that you're a judge and you're looking back on all this, how do you feel about development in the County, now that you're a judge ruling on these same issues of growth?

Keith: I think it's almost a power bigger than we are. It's very difficult to control. It's very difficult to guide, if you think control

is a bad word. It's almost an imponderable. I don't know, and I don't think anybody knows what kind of zoning we will have.

Coleman: What sort of future do you see for Fairfax County?

Keith: Solid! It's just unfair to say to you who got some land, you're a park and you would think so too if you had 100 acres of land and somebody came and said you're a park. You'd die! Whereas if you were townhouses, you'd be a millionaire, and money is what makes the world go around.

Coleman: Do you have any unusual experiences or anything that you can remember that you'd like to add to this about Fairfax County?

Keith: We had some bitter fights around here. I think we're all good friends now, but there was a lot of fighting about the change in the form of County government - whether Fairfax should be a city or not. It hasn't always been sweetness and light. And a lot of political campaigns - the liberals against the conservatives in the Democratic party. Of course, there wasn't any Republican party until Claiborne Leigh won in 1956. That was the first Republican that won and Bill Moss won the same year. Two Republicans, no three Republicans came on the Board of Supervisors! That was unheard of! It was a real breach in the dyke. Now we've got more Republicans in the state than we have Democrats.

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